

**STATE OF FLORIDA  
INDUSTRIAL WASTEWATER FACILITY PERMIT**

**PERMITTEE:**  
City of Vero Beach

**PERMIT NUMBER:** FL0002984 (Major)  
**FILE NUMBER:** FL0002984-003-IW1S  
**ISSUANCE DATE:** February 15, 2010  
**EXPIRATION DATE:** February 14, 2015

**RESPONSIBLE OFFICIAL:**

Mr. R.B. Sloan  
Utilities Director  
100 17<sup>th</sup> Street  
PO Box 1389  
Vero Beach, Florida 32961  
(772) 978-5026

**FACILITY:**

Vero Beach Municipal Power Plant  
100 17<sup>th</sup> Street  
Vero Beach, Florida 32961  
Indian River County  
Latitude: 27° 37' 58.06" N      Longitude: 80° 22' 43.06" W

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and applicable rules of the Florida Administrative Code (F.A.C.) and constitutes authorization to discharge to waters of the state under the National Pollutant Discharge Elimination System. This permit does not constitute authorization to discharge wastewater other than as expressly stated in this permit. The above named permittee is hereby authorized to operate the facilities in accordance with the documents attached hereto and specifically described as follows:

**FACILITY DESCRIPTION:**

The facility is an electric generating plant with a total nameplate rating of 157 megawatts (MW). The existing facility consists of four steam electric generating units (Units 1, 2, 3, and 4) and a combined-cycle gas turbine unit (Unit 5) equipped with a closed auxiliary cooling water system. The Units have nameplate ratings of 12.5, 16.5, 34, 56 and 38 MW, respectively. Each steam electric unit is capable of burning a variable combination of numbers 2, 4 and 6 fuel oil and natural gas.

Units 1, 2, and 3 use a total of 217 MGD (Maximum Daily Flow) water from the Indian River as once-through non-contact cooling water which is discharged back to the Indian River, via Outfalls D-011, D-012, and D-013 (formerly Outfalls 001, 002, and 003). The makeup water for Unit 4 cooling tower is treated wastewater effluent obtained from the City of Vero Beach Wastewater Treatment Plant (WWTP). The cooling tower blowdown is returned to the WWTP. Units 4 and 5 are not authorized to discharge to waters of the State unless otherwise authorized within this permit.

**WASTEWATER TREATMENT:**

No treatment is provided to once-through, non-contact cooling water to Class III Marine surface waters of the Indian River from Units 1, 2, and 3 through Outfalls D-011, D-012, and D-013, respectively. Effluent is discharged at D-011, D-012, and D-013 to the Indian River, a Class III Marine surface water.

**REUSE OR DISPOSAL:**

**Surface Water Discharge D-011:** An existing 51.8 MGD Daily Maximum Flow permitted discharge to the Indian River, Class III Marine Waters, (WBID 5003B). The point of discharge is located approximately at latitude 27°37' 45" N, longitude 80°22' 30" W.

**Surface Water Discharge D-012:** An existing 63.8 MGD Daily Maximum Flow permitted discharge to the Indian River, Class III Marine Waters, (WBID 5003B). The point of discharge is located approximately at latitude 27°38' 0" N, longitude 80°22' 45" W.

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**Surface Water Discharge D-013:** An existing 101.4 MGD Daily Maximum Flow permitted discharge to the Indian River, Class III Marine Waters, (WBID 5003B). The point of discharge is located approximately at latitude 27° 38' 45" N, longitude 80° 22' 45" W.

**Surface Water Discharge D-0S1:** An existing permitted uncontaminated stormwater discharge to the Indian River, Class III Marine Waters, (WBID 5003B). The point of discharge is located approximately at latitude 27° 37' 57" N, longitude 80° 22' 33" W.

**Surface Water Discharge D-0S2:** An existing permitted uncontaminated stormwater discharge to the Indian River, Class III Marine Waters, (WBID 5003B). The point of discharge is located approximately at latitude 27° 38' 3" N, longitude 80° 22' 38" W.

**Surface Water Discharge D-0S3:** An existing permitted uncontaminated stormwater discharge to the Indian River, Class III Marine Waters, (WBID 5003B). The point of discharge is located approximately at latitude 27° 38' 3" N, longitude 80° 22' 42" W.

**Surface Water Discharge D-0S6:** An existing permitted uncontaminated stormwater discharge to the Indian River, Class III Marine Waters, (WBID 5003B). The point of discharge is located approximately at latitude 27° 38' 3" N, longitude 80° 22' 30" W.

**Surface Water Discharge D-00B:** An existing permitted stormwater discharge from fuel oil tanks 1 and 2 bermed areas to the Indian River, Class III Marine Waters, (WBID 5003B). The point of discharge is located approximately at latitude 27° 38' 3" N, longitude 80° 22' 35" W.

**IN ACCORDANCE WITH:** The limitations, monitoring requirements and other conditions set forth in this Cover Sheet and Part I through Part IX on pages 1 through 23 of this permit.

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# I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

## A. Surface Water Discharges

- During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge **Once-Through Non-Contact Cooling Water** from **Outfalls D-011, D-012, and D-013** to the Indian River. Such discharge shall be limited and monitored by the permittee as specified below:

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/ Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Flow	MGD	Max	51.8	Monthly Average	Continuous	Recorder <sup>1</sup>	EFF-2A	See I.A.3
			51.8	Daily Maximum			EFF-2B	
		Max	63.8	Monthly Average			EFF-2C	
Temperature, Water	Deg F	Max	Report	Monthly Average	Continuous	Recorder <sup>1</sup>	INT-1	See I.A.4
		Max	Report	Daily Average			EFF-2A	See I.A.4,
		Max	Report	Daily Maximum			EFF-2B EFF-2C	
Oxygen, Dissolved (DO)	mg/L	Min	Report	Daily Minimum	Weekly	Grab	INT-1	See I.A.5
		Min	Report	Daily Average			EFF-2A	
		Min	Report	Daily Minimum			EFF-2BC	
Through-Screen Velocity	ft/s	Max	Report	Daily Maximum	Daily	Calculated	INT-1	
12-Month Rolling Average Capacity Factor <sup>2</sup>	Percent	Max	Report	Monthly Average	Monthly	Calculated	CAL-1	See I.A.6
Acute Whole Effluent Toxicity, 96 Hour LC50 (Menidia beryllina)	percent	Min	100	Single Sample	Quarterly	4 grabs/24 hr.period	EFF-2A	See I.A.8
Acute Whole Effluent Toxicity, 96 Hour LC50 (Mysidopsis bahia)	percent	Min	100	Single Sample	Quarterly	4 grabs/24 hr.period	EFF-2A	See I.A.8

- Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.A.1. and as described below:

<sup>1</sup> Flow meters and temperature probes shall be calibrated at least once a year in accordance with the manufacturer recommendations. Calibration records shall be maintained on-site in accordance with Section V.2 of this permit.

<sup>2</sup> The monthly capacity factor is the total amount of megawatt-hours generated during the month divided by the maximum generating capacity in megawatt-hours for the month based on a total plant megawatt capacity of 157 megawatts. The 12-month rolling average Capacity Factor is the average of the current monthly capacity factor plus the previous 11 monthly capacity factors.

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Monitoring Site Number	Description of Monitoring Site
INT-1	Intake channel or intake structure prior to mixing with any other waste streams.
EFF-2A	Outlet to Outfall D-011 prior to actual discharge to the receiving waters or mixing with any other waste streams.
EFF-2B	Outlet to Outfall D-012 prior to actual discharge to the receiving waters or mixing with any other waste streams, except for DO sampling which will be sampled where the discharges of Outfalls D-012 and D-013 converge (EFF-2BC) at the canal entrance.
EFF-2C	Outlet to Outfall D-013 prior to actual discharge to the receiving waters or mixing with any other waste streams, except for DO sampling which will be sampled where the discharges of Outfalls D-012 and D-013 converge (EFF-2BC) at the canal entrance.
EFF-2BC	Sampling point for DO which will be sampled where the discharges of Outfalls D-012 and D-013 converge at the canal entrance.
CAL-1	Calculation of the rolling 12-month capacity factor

3. Flow rates for the discharge from the condenser shall be monitored continuously by magnetic point flow transmitter located on the circulating water piping between the plant main building and the outfall structure.
4. Discharge from Outfalls D-011, D-012, and D-013 is subject to the limitations established by Rule 62-302.520(1), F.A.C.
5. The DO limitations at Sample Points EFF-2A and EFF-2BC shall be as follows:
  - a. For daily minimum values:
    - (1) Shall not be depressed more than 0.5 mg/l below the intake DO when the intake DO is at or below 4.0 mg/L.
    - (2) Shall be greater than or equal to 4.0 mg/L when the intake DO is greater than 4.0 mg/L.

Daily minimum DO values are defined as the average of at least four measurements over a one hour period at a sample point. The permittee shall maintain hour DO averages (to be considered instantaneous values) for both the intake and discharge. For purposes of determining compliance with the instantaneous DO limitation in 5.a.(1) above, the hour average discharge DO shall be compared with the corresponding consecutive hour average intake DO.

For purposes of determining compliance with the daily minimums DO limitation in Item 5.a.(2) above, the lowest hour average discharge DO shall be used.

- b. For daily average values:
  - (1) Shall not be depressed more than 0.5 mg/l below the 24-hour average intake DO when the 24-hour average intake DO is at or below 5.0 mg/L.
  - (2) Shall be greater than or equal to 5.0 mg/L when the 24-hour average intake DO is greater than 5.0 mg/L.

24-hour average DO values are defined as the average of all individual DO samples taken at a sample point over a 24-hour period. If there are sample periods in excess of twenty-four hours, a separate average DO shall be calculated for each additional twenty-four hour period.

For purposes of determining compliance with the 24-hour DO limitation in 5.b.(1) above, the 24-average discharge DO shall be compared with the 24-hour intake DO over the same time period. For purposes of determining compliance with the 24-hour DO limitation in 5.b.(2) above, the lowest 24-hour average discharge DO shall be used.

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6. The permittee shall submit a written report to the Department for any anticipated operational change at the facility that is expected to result in the 12-month rolling average capacity factor exceeding 0.15. The report shall be submitted within 30 days of the permittee becoming aware of the operational change. The report shall contain a description of the operational change and its cause; and the anticipated length of time the operational change will be in effect.

The permittee shall submit the report to the Department at the address specified below:

Florida Department of Environmental Protection  
Industrial Wastewater Section, Mail Station 3545  
Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

And

Central District Office  
Industrial Wastewater Section  
3319 Maguire Boulevard Suite 232  
Orlando, Florida 32803-3767

7. The discharge shall not contain components that settle to form putrescent deposits or float as debris, scum, oil, or other matter. [62-302.500(1)(a)]
8. The permittee shall comply with the following requirements to evaluate acute whole effluent toxicity of the once-through cooling water discharge from Outfall D-011.
  - a. Effluent Limitation
    - (1) Whole effluent acute toxicity shall not exceed in any routine or in any additional follow-up test an LC50 of less than 100% effluent. [Rules 62-302.200(1), 62-302.500(1)(a)4., 62-4.244(3)(a), and 62-4.241(1)(a) or (2)(a), F.A.C.]
  - b. Monitoring Frequency
    - (1) Routine toxicity tests shall be conducted once every three months, the first starting within 60 days of the issuance date of this permit and lasting for the duration of this permit.
  - c. Sampling Requirements
    - (1) Routine tests shall be conducted on four separate grab samples collected at evenly-spaced (6-hr) intervals over a 24-hour period. The four grab samples shall be used in eight bioassays (four bioassays for each species) and shall represent one test. If the duration of the discharge is less than 24-hours, the duration of discharge shall be documented on the chain of custody.
    - (2) For additional follow-up tests, the first test shall be conducted on four separate grab samples collected at evenly-spaced (6-hr) intervals over a 24-hour period. The four grab samples shall be used in four separate bioassays for each species that failed the routine test. The four grab samples represent one test. The second follow-up test shall be run on a single grab sample collected on the day and time when the greatest toxicity was identified in the routine or first additional follow-up test. Results for each additional test shall include the determination of LC50 values with 95% confidence limits.
  - d. Test Requirements
    - (1) Routine Tests: All routine tests shall be conducted using a control (0% effluent) and a minimum of five dilutions: 100%, 75%, 50%, 25%, and 12.5% effluent.
    - (2) The permittee shall conduct 96-hour acute static renewal toxicity tests using the mysid, *Americamysis (Mysidopsis) bahia*, and the inland silverside, *Menidia beryllina*, concurrently.
    - (3) All test species, procedures and quality assurance criteria used shall be in accordance with Methods for Measuring Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, EPA-821-R-02-012. Any deviation of the bioassay procedures outlined herein shall be submitted in writing to the Department for review and approval prior to use. In the event the above

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method is revised, the permittee shall conduct acute toxicity testing in accordance with the revised method.

- (4) The control water and dilution water used shall be artificial seawater and diluted to the test salinity as described in EPA-821-R-02-012, Section 7.2.4. The test salinity shall be determined as follows:
  - (a) When the salinity of the effluent is between 1 and 7 parts per thousand (ppt), the following salinity adjustment shall be used. For the *Americamysis bahia* bioassays, the effluent and the control (0% effluent) shall be adjusted to a salinity of 7 ppt for the 100% effluent test using artificial sea salts. No salinity adjustment shall be done for the *Menidia beryllina* bioassay test. The salinity of the control/dilution water (0% effluent) shall match the test salinity of the effluent. A salinity adjustment control should be prepared and included with the *Americamysis bahia* bioassay. The salinity adjustment control is intended to identify toxicity resulting from adjusting the salinity of the effluent with artificial sea salts. To prepare the salinity adjustment control, dilute the control/dilution water to the salinity of the effluent and adjust the salinity of the salinity adjustment control to 7 ppt at the same time that the salinity of the effluent is adjusted to 7 ppt, using the same artificial sea salts.
  - (b) When the salinity of the effluent is greater than 7 ppt, no salinity adjustment shall be made to the effluent and the test shall be run at the effluent salinity. The salinity of the control/dilution water (0% effluent) shall match the test salinity of the effluent.
- e. Quality Assurance Requirements
  - (1) A standard reference toxicant (SRT) quality assurance (QA) acute toxicity test shall be conducted with each species used in the required toxicity tests either concurrently or initiated no more than 30 days before the date of each routine or additional follow-up test conducted. Additionally, the SRT test must be conducted concurrently if the test organisms are obtained from outside the test laboratory unless the test organism supplier provides control chart data from at least the last five monthly acute toxicity tests using the same reference toxicant and test conditions. If the organism supplier provides the required SRT data, the organism supplier's SRT data and the test laboratory's monthly SRT-QA data shall be included in the reports for each companion routine or additional follow-up test required.
  - (2) If the mortality in the control (0% effluent) exceeds 10% for either species in any test, the test for that species (including the control) shall be invalidated and the test repeated. The repeat test shall begin within 14 days after the last day of the invalid test.
  - (3) If 100% mortality occurs in all effluent concentrations prior to the end of any test and the control mortality is less than 10% at that time, the test (including the control) shall be terminated with the conclusion that the test fails and constitutes non-compliance.
  - (4) Additional follow-up tests shall be evaluated for acceptability based on the concentration-response relationship, as required by EPA-821-R-02-012, Section 12.2.6.2., and included with the bioassay laboratory reports.
- f. Reporting Requirements
  - (1) Results from all required tests shall be reported on the Discharge Monitoring Report (DMR) as follows:
    - (a) Routine Test Results: If an LC50 >100% effluent occurs in all four separate grab sample tests for the test species, ">100%" shall be entered on the DMR for that test species. If in any of the four separate grab sample tests for the test species an LC50 <100% effluent occurs, the lowest calculated LC50 effluent concentration shall be entered on the DMR for that test species.
    - (b) Additional Follow-up Test Results: For each additional test required, the calculated LC50 value shall be entered on the DMR for that test species and the 95% confidence limits.
  - (2) A bioassay laboratory report for the routine test shall be prepared according to EPA-821-R-02-012, Section 12, Report Preparation and Test Review, and mailed to the Department at the address in below within 30 days after the last day of the test.
  - (3) For additional follow-up tests, a single bioassay laboratory report shall be prepared according to EPA-821-R-02-012, Section 12, and mailed within 30 days after the last day of the second valid additional follow-up test.
  - (4) Data for invalid tests shall be included in the bioassay laboratory report for the repeat test.
  - (5) The same bioassay data shall not be reported as the results of more than one test.
  - (6) All bioassay laboratory reports shall be sent to:  
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Tallahassee Office  
2600 Blair Stone Road, M.S. 3545  
Tallahassee, Florida 32399-2400

g. Test Failures

- (1) A test fails when the test results do not meet the limits in 8.a.(1).
- (2) Additional Follow-up Tests:
  - (a) If a routine test does not meet the acute toxicity limitation in 8.a.(1) above, the permittee shall notify the Department at the address above within 21 days after the last day of the failed routine test and conduct two additional follow-up tests on each species that failed the test in accordance with 8.d.
  - (b) The first test shall be initiated within 28 days after the last day of the failed routine test. The remaining additional follow-up tests shall be conducted weekly thereafter until a total of two valid additional follow-up tests are completed.
  - (c) The first additional follow-up test shall be conducted using a control (0% effluent) and a minimum of five dilutions: 100%, 75%, 50%, 25%, and 12.5% effluent. The permittee may modify the dilution series in the second additional follow-up test to more accurately bracket the toxicity such that at least two dilutions above and two dilutions below the target concentration and a control (0% effluent) are run. All test results shall be statistically analyzed according to the Appendices in EPA-821-R-02-012.
- (3) In the event of three valid test failures (whether routine or additional follow-up tests) within a 12-month period, the permittee shall notify the Department within 21 days after the last day of the third test failure.
  - (a) The permittee shall submit a plan for correction of the effluent toxicity within 60 days after the last day of the third test failure.
  - (b) The Department shall review and approve the plan before initiation.
  - (c) The plan shall be initiated within 30 days following the Department's written approval of the plan.
  - (d) Progress reports shall be submitted quarterly to the Department at the address above.
  - (e) During the implementation of the plan, the permittee shall conduct quarterly routine whole effluent toxicity tests in accordance with 8.d. Additional follow-up tests are not required while the plan is in progress. Following completion or termination of the plan, the frequency of monitoring for routine and additional follow-up tests shall return to the schedule established in 8.b.(1). If a routine test is invalid according to the acceptance criteria in EPA-821-R-02-012, a repeat test shall be initiated within 14 days after the last day of the invalid routine test.
  - (f) Upon completion of four consecutive, valid routine tests that demonstrate compliance with the effluent limitation in 8.a.(1) above, the permittee may submit a written request to the Department to terminate the plan. The plan shall be terminated upon written verification by the Department that the facility has passed at least four consecutive valid routine whole effluent toxicity tests. If a test within the sequence of the four is deemed invalid, but is replaced by a repeat valid test initiated within 14 days after the last day of the invalid test, the invalid test will not be counted against the requirement for four consecutive valid tests for the purpose of terminating the plan.
- (4) The additional follow-up testing and the plan do not preclude the Department taking enforcement action for whole effluent toxicity permit limit violations.

[62-4.241, 62-620.620(3)]

9. No chemical shall be added to intake cooling water during backwash operation of intake bar screens or to the discharge.
10. The discharge of chlorine from the chlorination of Units 1, 2, and 3 to waters of the State is not authorized by this permit.
11. The discharge of wastewater to waters of the State from Units 4 and 5 is not authorized unless otherwise authorized within this permit.

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12. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge stormwater from **Outfall D-00B, Stormwater Runoff** from the fuel oil containment areas after rainfall events to the Indian River. Such discharge shall be limited and monitored by the permittee as specified below:

			Effluent Limitations		Monitoring Requirements			
Parameter	Units	Max/Min	Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site Number	Notes
Turbidity	NTU	Max	Report	Single Sample	Per discharge	Grab	SWB-1	See I.A.15
Petrol Hydrocarbons, Total Recoverable	mg/L	Max	5.0	Daily Average	Per discharge	Grab	EFF-3	
pH	SU	Min	6.0	Daily Minimum	Per discharge	Grab	EFF-3	
		Max	8.5	Daily Maximum				

13. Effluent samples shall be taken at the monitoring site locations listed in Permit Condition I.A.12 and as described below:

Monitoring Site Number	Description of Monitoring Site
SWB-1	Within 5 feet of outfall structure D-00B.
EFF-3	Discharge valve to outfall structure D-00B prior to actual discharge or mixing with any other waste streams.

14. The discharge shall not contain components that settle to form putrescent deposits or float as debris, scum, oil, or other matter. [62-302.500(1)(a)]
15. The limit for "Turbidity" shall be calculated as follows:
- Limit = Background Turbidity + 29 NTU
- The measured effluent value shall be recorded on the DMR in the parameter row for "Turbidity (effluent)." The measured background value shall be recorded on the DMR in the parameter row for "Turbidity (background)" The calculated effluent limit shall be recorded on the DMR in the parameter row for "Turbidity (calculated limit)." Compliance with the effluent limitation is determined by calculating the difference between the measured effluent value and the calculated. The compliance value shall be recorded on the DMR in the parameter row for "Turbidity (effluent minus calculated limit)." The compliance value shall not exceed 0.00. [62-302.530(69)]
16. The permittee shall discharge only uncontaminated stormwater to waters of the State.
17. The discharge valve to outfall structure D-00B shall normally remain closed. The valve shall be opened for discharge only after analysis results are in compliance with the above permit limits.
18. The permittee is authorized to discharge stormwater from diked petroleum storage or handling areas (D-00B), provided the following conditions are met:
- a. The permittee shall enforce at all times a spill prevention and response contingency plan that describes methods to prevent spills along with clean-up procedures and notification procedures. The methods and procedures shall be made available to appropriate personnel. An adequate inventory of the required spill cleanup material and equipment must be on-site or readily available to areas where bulk petroleum products are stored. A Spill Prevention Control Countermeasure Plan (SPCC) that conforms to 40 CFR 112 may be used to comply with this permit condition.



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- b. All collected oily waters in containment area shall be drained through an oil/water separator device prior to discharge from Outfall D-00B.
- c. Monitoring records shall be maintained in the form of a log and shall contain the following information, as a minimum:
  - (1) Date and time of discharge,
  - (2) Estimated volume of discharge,
  - (3) Initials of person making visual inspection and authorizing discharge, and
  - (4) Observed conditions of storm water discharged.

**B. Other Limitations and Monitoring and Reporting Requirements**

1. The sample collection, analytical test methods, and method detection limits (MDLs) applicable to this permit shall be conducted using a sufficiently sensitive method to ensure compliance with applicable water quality standards and effluent limitations and shall be in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate. The list of Department established analytical methods, and corresponding MDLs (method detection limits) and PQLs (practical quantitation limits), which is titled "FAC 62-4 MDL/PQL Table (April 26, 2006)" is available at <http://www.dep.state.fl.us/labs/library/index.htm>. The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this permit. Any method included in the list may be used for reporting as long as it meets the following requirements:
  - a. The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list;
  - b. The laboratory reported MDL for the specific parameter is less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in the permit shall use methods that provide an MDL, which is equal to or less than the applicable water quality criteria stated in 62-302, F.A.C.; and
  - c. If the MDLs for all methods available in the approved list are above the stated permit limit or applicable water quality criteria for that parameter, then the method with the lowest stated MDL shall be used.

When the analytical results are below method detection or practical quantitation limits, the permittee shall report the actual laboratory MDL and/or PQL values for the analyses that were performed following the instructions on the applicable discharge monitoring report.

Where necessary, the permittee may request approval of alternate methods or for alternative MDLs or PQLs for any approved analytical method. Approval of alternate laboratory MDLs or PQLs are not necessary if the laboratory reported MDLs and PQLs are less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Approval of an analytical method not included in the above-referenced list is not necessary if the analytical method is approved in accordance with 40 CFR 136 or deemed acceptable by the Department. [62-4.246, 62-160]

2. The permittee shall provide safe access points for obtaining representative influent and effluent samples which are required by this permit. [62-620.320(6)]
3. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e. monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

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REPORT Type on DMR	Monitoring Period	Due Date
Monthly or Toxicity	first day of month - last day of month	28 <sup>th</sup> day of following month
Quarterly	January 1 - March 31 April 1 - June 30 July 1 - September 30 October 1 - December 31	April 28 July 28 October 28 January 28
Semiannual	January 1 - June 30 July 1 - December 30	July 28 January 28
Annual	January 1 - December 31	January 28

DMRs shall be submitted for each required monitoring period including months of no discharge. The permittee shall make copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department by the twenty-eighth (28th) of the month following the month of operation at the address specified below:

Florida Department of Environmental Protection  
Wastewater Compliance Evaluation Section, Mail Station 3551  
Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

[62-620.610(18)]

4. Unless specified otherwise in this permit, all reports and other information required by this permit, including 24-hour notifications, shall be submitted to or reported to, as appropriate, the Department's Central District Office at the address specified below:

Central District Office  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767

Phone Number - (407) 894-7555  
FAX Number - (407) 897-6499  
(All FAX copies shall be followed by original copies.)

[62-620.305]

5. All reports and other information shall be signed in accordance with the requirements of Rule 62-620.305, F.A.C. [62-620.305]
6. If there is no discharge from the facility on a day when the facility would normally sample, the sample shall be collected on the day of the next discharge. [62-620.320(6)]
7. The discharge of uncontaminated (i.e., not contaminated by process and/or product materials) stormwater to the Indian River is authorized by this permit. The permittee is not required to monitor these discharges. However, any sampling and analysis done by the permittee shall be submitted for the Department record files.
8. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge from **Outfalls D-0S1, D-0S2, D-0S3, and D-0S6 - Stormwater Runoff** from roof and yard drains to the Indian River after rainfall events. Stormwater shall not come into contact with any raw materials, intermediate products, final products, byproducts or waste products located at the facility. Discharge of uncontaminated stormwater is permitted without limitation or monitoring requirements.
9. There shall be no discharge of floating solids or visible foam in other than trace amounts.
10. The discharge shall not cause a visible sheen on the receiving water.

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11. There shall be no industrial wastewater discharged to state waters from the operation or maintenance of Units 4 and 5. Prior review and authorization from the Department is required if the change in operating conditions warrant generation of industrial waste stream(s). Construction and/or operation of any industrial wastewater treatment and disposal system associated with Units 4 and 5 which may discharge to state waters is not authorized. Also, no industrial waste streams generated by Units 4 and 5 shall be combined with any other waste stream or treated and disposed of via any other treatment and disposal system authorized by this permit.
12. The permittee shall report all visible discharges of floating materials, such as ash or an oil sheen, when submitting DMRs.
13. The use of any biocide, chlorine or other chemical in the cooling tower system is prohibited, unless specifically authorized elsewhere in this permit. Discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream which ultimately may be released to waters of the State is prohibited unless specifically authorized elsewhere in this permit. This requirement is not applicable to products used for lawn and agricultural purposes or to the use of herbicides if used in accordance with labeled instructions and any applicable State permit.

A permit revision from the Department shall be required prior to the use of any biocide or chemical additive, which may be toxic to aquatic life, (except as authorized elsewhere in this permit) in the cooling water system, boiler, or any portion of the industrial wastewater system. The permit revision request shall include:

- a. Name and general composition of biocide or chemical
- b. Frequencies of use
- c. Quantities to be used
- d. Proposed effluent concentrations
- e. Acute and/or chronic toxicity data (laboratory reports shall be prepared according to Section 12 of EPA document no. EPA/600/4-90/027F entitled, Methods for Measuring the Acute Toxicity of Effluents in Receiving Waters for Freshwater and Marine Organisms, or most current addition.)
- f. Product data sheet
- g. Product label

The Department shall review the above information to determine if a substantial or minor permit revision is necessary. Discharge associated with the use of such biocide or chemical is not authorized without a permit revision by the Department. Permit revisions shall be processed in accordance with the requirements of Chapter 62-620, F.A.C.

14. The permittee shall continue compliance with Manatee Protection Plan approved by the Department on September 18, 2000.
15. The permittee shall maintain current traveling screen practices at Units 1, 2 and 3 so as to assure that the screens are cycled thrice during each 24 hours of continuous operation unless precluded by repair/maintenance requirements.
16. All live fish, shellfish, and other aquatic organisms collected or trapped on the intake screens shall be returned to their natural habitat. All other material shall be removed from the intake screens and disposed of in accordance with all existing Federal, State, and/or Local laws and regulations that apply to waste disposal. Such material shall not be returned to the receiving waters.
17. The permittee shall develop a Plan of Study (POS) to be submitted within 90 days of the permit issuance date for the evaluation of copper, nickel, and iron in the once-through cooling water discharge via Outfalls D-011, D-012, and D-013 to the Indian River. The POS shall include one year of bi-weekly sampling and data collection of ambient values in the intake canal and of the OTCW discharge taken concurrently. Upon approval of the POS, the permittee shall commence the study.

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18. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid. The permittee shall dispose of all known PCB equipment, articles, and wastes in accordance with 40 CFR 761. The permittee shall certify each time that this disposal has been accomplished.
19. Any bypass of the treatment facility which is not included in the monitoring specified in section I.A is to be monitored for flow and all other required parameters. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reportable data. All monitoring results shall be reported on the appropriate DMR.

## II. SLUDGE MANAGEMENT REQUIREMENTS

Section II is not applicable to this facility.

## III. GROUND WATER REQUIREMENTS

Section III is not applicable to this facility.

## IV. ADDITIONAL LAND APPLICATION REQUIREMENTS

Section IV is not applicable to this facility.

## V. OPERATION AND MAINTENANCE REQUIREMENTS

1. During the period of operation authorized by this permit, the wastewater facilities shall be operated under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control. [62-620.320(6)]
2. The permittee shall maintain the following records and make them available for inspection on the site of the permitted facility.
  - a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;
  - b. Copies of all reports required by the permit for at least three years from the date the report was prepared;
  - c. Records of all data, including reports and documents, used to complete the application for the permit for at least three years from the date the application was filed;
  - d. A copy of the current permit;
  - e. A copy of any required record drawings; and
  - f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules.

[62-620.350]

## VI. SCHEDULES

1. The following improvement actions shall be completed according to the following schedule. The Stormwater Pollution Prevention Plan (SWPPP) shall be prepared and implemented in accordance with Part VII of this permit.

Improvement Action	Completion Date
1. Continue implementing the existing SWPPP	Issuance date of permit

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[62-620.320(6)]

2. If the permittee wishes to continue operation of this wastewater facility after the expiration date of this permit, the permittee shall submit an application for renewal no later than one-hundred and eighty days (180) prior to the expiration date of this permit. Application shall be made using the appropriate forms listed in Rule 62-620.910, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C. [62-620.335(1) and (2)]
3. Within 90 days following issuance of this permit the Permittee shall provide the Department a Plan of Study (POS) in accordance with item I.B.17.
4. The permittee shall submit a copy of the Manatee Protection Plan, including any amendments, with the permit renewal application to each of the following agencies no later than one-hundred and eighty days (180) prior to the expiration date of this permit:

Florida Department of Environmental Protection  
Industrial Wastewater Section, Mail Station 3545  
Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Florida Fish and Wildlife Conservation Commission  
Bureau of Protected Species Management  
620 South Meridian Street  
OES-BPS  
Tallahassee, Florida 32399-1600

And

US Fish and Wildlife Service  
Jacksonville Field Office  
7915 Baymeadows Way, Suite 200  
Jacksonville, Florida 32256-7517

## VII. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

### 1. General Requirements

In accordance with Section 304(e) and 402(a)(2) of the Clean Water Act (CWA) as amended, 33 U.S.C. §§ 1251 et seq., and the Pollution Prevention Act of 1990, 42 U.S.C. §§ 13101-13109, the permittee must develop and implement a plan for utilizing practices incorporating pollution prevention measures. References to be considered in developing the plan are "Criteria and Standards for Best Management Practices Authorized Under Section 304(e) of the Act," found at 40 CFR 122.44 Subpart K and the Storm Water Management Industrial Activities Guidance Manual, EPA/833-R92-002 and other EPA documents relating to Best Management Practice guidance.

#### a. Definitions

- (1) The term "pollutants" refers to conventional, non-conventional and toxic pollutants.
- (2) Conventional pollutants are: biochemical oxygen demand (BOD), suspended solids, pH, fecal coliform bacteria and oil & grease.
- (3) Non-conventional pollutants are those which are not defined as conventional or toxic.
- (4) Toxic pollutants include, but are not limited to: (a) any toxic substance listed in Section 307(a)(1) of the CWA, any hazardous substance listed in Section 311 of the CWA, or chemical listed in Section 313(c) of the Superfund Amendments and Reauthorization Act of 1986; and (b) any substance (that is not also a conventional or non-conventional pollutant except ammonia) for which EPA has published an acute or chronic toxicity criterion.

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- (5) "Significant Materials" is defined as raw materials; fuels; materials such as solvents and detergents; hazardous substances designated under Section 101(14) of CERCLA; and any chemical the facility is required to report pursuant to EPCRA, Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge.
- (6) "Pollution prevention" and "waste minimization" refer to the first two categories of EPA's preferred hazardous waste management strategy: first, source reduction and then, recycling.
- (7) "Recycle/Reuse" is defined as the minimization of waste generation by recovering and reprocessing usable products that might otherwise become waste; or the reuse or reprocessing of usable waste products in place of the original stock, or for other purposes such as material recovery, material regeneration or energy production.
- (8) "Source reduction" means any practice which: (a) reduces the amount of any pollutant entering a waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and (b) reduces the hazards to public health and the environment associated with the release of such pollutant. The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control. It does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a pollutant through a process or activity which itself is not integral to, or previously considered necessary for, the production of a product or the providing of a service.
- (9) "SWPPP" means a Storm Water Pollution Prevention Plan incorporating the requirements of 40 CFR § 125, Subpart K, plus pollution prevention techniques, except where other existing programs are deemed equivalent by the permittee. The permittee shall certify the equivalency of the other referenced programs.
- (10) The term "material" refers to chemicals or chemical products used in any plant operation (i.e., caustic soda, hydrazine, degreasing agents, paint solvents, etc.). It does not include lumber, boxes, packing materials, etc.

## 2. Storm Water Pollution Prevention Plan

The permittee shall develop and implement a SWPPP for the facility, which is the source of wastewater and storm water discharges, covered by this permit. The plan shall be directed toward reducing those pollutants of concern which discharge to surface waters and shall be prepared in accordance with good engineering and good housekeeping practices. For the purposes of this permit, pollutants of concern shall be limited to toxic pollutants, as defined above, known to the discharger. The plan shall address all activities which could or do contribute these pollutants to the surface water discharge, including process, treatment, and ancillary activities.

### a. Signatory Authority & Management Responsibilities

The SWPPP shall be signed by permittee or their duly authorized representative in accordance with rule 62-620.305(2)(a) and (b). The SWPPP shall be reviewed by plant environmental/engineering staff and plant manager. Where required by Chapter 471-(P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of the SWPPP shall be signed and sealed by the professional(s) who prepared them.

A copy of the plan shall be retained at the facility and shall be made available to the permit issuing authority upon request.

The SWPPP shall contain a written statement from corporate or plant management indicating management's commitment to the goals of the BMP program. Such statements shall be publicized or made known to all facility employees. Management shall also provide training for the individuals responsible for implementing the SWPPP.

### b. SWPPP Requirements

- (1) A topographic map extending one-quarter mile beyond the property boundaries of the facility, showing: the facility, surface water bodies, wells (including injection wells), seepage pits, infiltration ponds, and the discharge points where the facility's storm water discharges to a municipal storm drain system or other water body. The requirements of this paragraph may be included on the site map if appropriate.
- (2) A site map showing:

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- (a) The storm water conveyance and discharge structures;
  - (b) An outline of the storm water drainage areas for each storm water discharge point;
  - (c) Paved areas and buildings;
  - (d) Areas used for outdoor manufacturing, storage, or disposal of significant materials, including activities that generate significant quantities of dust or particulates;
  - (e) Location of existing or future storm water structural control measures/practices (dikes, coverings, detention facilities, etc.);
  - (f) Surface water locations and/or municipal storm drain locations;
  - (g) Areas of existing and potential soil erosion;
  - (h) Vehicle service areas;
  - (i) Material loading, unloading, and access areas;
- (3) A narrative description of the following:
- (a) The nature of the industrial activities conducted at the site, including a description of significant materials that are treated, stored or disposed of in a manner to allow exposure to storm water;
  - (b) Materials, equipment, and vehicle management practices employed to minimize contact of significant materials with storm water discharges;
  - (c) Existing or future structural and non-structural control measures/practices to reduce pollutants in storm water discharges;
  - (d) Industrial storm water discharge treatment facilities;
  - (e) Methods of onsite storage and disposal of significant materials;
  - (f) Overall objectives (both short-term and long-term) and scope of the plan, specific reduction goals for pollutants, anticipated dates of achievement of reduction, and a description of means for achieving each reduction goal;
  - (g) A description of procedures relative to spill prevention, control & countermeasures and a description of measures employed to prevent storm water contamination;
  - (h) A description of practices involving preventive maintenance, housekeeping, recordkeeping, inspections, and plant security; and
  - (i) The description of a waste minimization assessment performed in accordance with the conditions outlined in condition c below, results of the assessment, and a schedule for implementation of specific waste reduction practices.
- (4) A list of the types of pollutants that have a reasonable potential to be present in storm water discharges in significant quantities.
- (5) An estimate of the size of the facility in acres or square feet, and the percent of the facility that has impervious areas such as pavement or buildings.
- (6) A summary of existing sampling data describing pollutants in storm water discharges.

c. Waste Minimization Assessment

The permittee is encouraged but not required to conduct a waste minimization assessment (WMA) for this facility to determine actions that could be taken to reduce waste loading and chemical losses to all wastewater and/or storm water streams as described in Part VII.D.2 of this permit.

If the permittee elects to develop and implement a WMA, information on plan components can be obtained from the Department's Industrial Wastewater website, or from:

Florida Department of Environmental Protection  
Industrial Wastewater Section, Mail Station 3545  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
(850) 245-8589  
(850) 245-8669 – Fax

d. Pollution Prevention Committee:

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A pollution prevention committee within the plant organization shall be appointed. These members shall be responsible for developing the SWPPP and assisting the plant manager in its implementation, maintenance, and revision.

e. Employee Training

- (1) The permittee shall describe the storm water employee training program for the facility. The description shall include the topics to be covered, such as spill response, good housekeeping and material management practices, and shall identify periodic dates (e.g., every 6 months during the months of July and January) for such training. The permittee shall provide employee training for all employees and contractors that work in areas where industrial materials or activities are exposed to storm water, and for employees that are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance people). The employee training shall inform facility personnel and contractors of the components and goals of the facility SWPPP.
- (2) Each employee and contractor that works in an areas where industrial materials or activities are exposed to storm water, and each employee that is responsible for implementing activities identified in the SWPPP shall undergo training at least once a year. Training records shall include trainee's name, signature, date of training and topics covered. Records shall be retained on-site for a minimum of three years.

f. Plan Development & Implementation

- (1) The SWPPP shall be developed and implemented 6 months after the effective date of this permit, unless any later dates are specified in this permit. Any portion of the SWPPP which is ongoing at the time of development or implementation shall be described in the plan. Any waste reduction practice which is recommended for implementation over a period of time shall be identified in the plan, including a schedule for its implementation.
- (2) The personnel named in the SWPPP shall perform and document a quarterly visual observation of a storm water discharge associated with industrial activity from each outfall. The visual observation shall be made during daylight hours. If no storm event resulted in runoff during daylight hours from the facility during a monitoring quarter, the permittee is excused from the visual observation requirement for that quarter, provided the permittee documents in their records that no runoff occurred. The permittee shall sign and certify the documentation.
- (3) The personnel named in the SWPPP shall conduct visual observations on samples collected as soon as practical, but not to exceed 1 hour of when the runoff begins discharging from the facility. All samples must be collected from a storm event discharge that is greater than 0.1 inch in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The observation shall document: color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution.
- (4) The permittee shall maintain visual observation reports onsite with the SWPPP for a minimum of three years. The report must include the observation date and time, inspection personnel, nature of the discharge (i.e., runoff), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.
- (5) At least once a year the personnel named in the SWPPP shall verify that the description of potential pollutant sources required under this permit is accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in storm water discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate.

g. Submission of Plan Summary & Progress/Update Reports

- (1) Plan Summary: Not later than 2 years after the effective date of the permit, a summary of the SWPPP shall be developed and maintained at the facility and made available to the permit issuing authority upon request. The summary should include the following: a brief description of the plan, its implementation process, schedules for implementing identified waste reduction practices, and a list of



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all waste reduction practices being employed at the facility. The results of waste minimization assessment studies already completed as well as any scheduled or ongoing WMA studies shall be discussed.

- (2) Progress/Update Reports: Annually thereafter for the duration of the permit progress/update reports documenting implementation of the plan shall be maintained at the facility and made available to the permit issuing authority upon request. The reports shall discuss whether or not implementation schedules were met and revise any schedules, as necessary. The plan shall also be updated as necessary and the attainment or progress made toward specific pollutant reduction targets documented. Results of any ongoing WMA studies as well as any additional schedules for implementation of waste reduction practices shall be included.

- (3) A timetable for the various plan requirements follows:

Timetable for SWPPP Requirements:

<u>REQUIREMENT</u>	<u>TIME FROM EFFECTIVE DATE OF THIS PERMIT</u>
Complete SWPPP	6 months
Progress/Update Reports	3 years, and then annually thereafter

The permittee shall maintain the plan and subsequent reports at the facility and shall make the plan available to the Department upon request.

h. Plan Review & Modification

If following review by the Department, the SWPPP is determined insufficient, the permittee will be notified that the SWPPP does not meet one or more of the minimum requirements of this Part. Upon such notification from the Department, the permittee shall amend the plan and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have 30 days after such notification to make the changes necessary.

The permittee shall modify the SWPPP whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to waters of the State or if the plan proves to be ineffective in achieving the general objectives of reducing pollutants in wastewater or storm water discharges. Modifications to the plan may be reviewed by the Department in the same manner as described above.

The permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into a SWPPP become enforceable requirements of this permit.

## VIII. OTHER SPECIFIC CONDITIONS

### A. Specific Conditions Applicable to All Permits

1. Where required by Chapter 471 or Chapter 492, F.S., applicable portions of reports that must be submitted under this permit shall be signed and sealed by a professional engineer or a professional geologist, as appropriate. [62-620.310(4)]
2. The permittee shall provide verbal notice to the Department's Southeast District Office as soon as practical after discovery of a sinkhole or other karst feature within an area for the management or application of wastewater, or wastewater sludges. The permittee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department's Southeast District Office in a written report within 7 days of the sinkhole discovery. [62-620.320(6)]

### B. Specific Conditions Related to Construction

This section is not applicable to this facility.

### C. Specific Conditions Related to Existing Manufacturing, Commercial, Mining, and Silviculture Wastewater Facilities or Activities

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1. Existing manufacturing, commercial, mining, and silvicultural wastewater facilities or activities that discharge into surface waters shall notify the Department as soon as they know or have reason to believe:
  - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels;
    - (1) One hundred micrograms per liter,
    - (2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2, 4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter for antimony, or
    - (3) Five times the maximum concentration value reported for that pollutant in the permit application; or
  - b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels;
    - (1) Five hundred micrograms per liter,
    - (2) One milligram per liter for antimony, or
    - (3) Ten times the maximum concentration value reported for that pollutant in the permit application.

[62-620.625(1)]

**D. Duty to Reapply**

1. The permittee shall apply for renewal of this permit such that the Department receives the application at least 180 days before the expiration date of the permit using the appropriate forms listed in Rule 62-620.910, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C. The existing permit shall not expire until the Department has taken final action on the application renewal in accordance with the provisions of 62-620.335(3) and (4), F.A.C.

180 days prior to expiration date: August 19, 2014

**E. Reopener Clauses**

1. The permit shall be revised, or alternatively, revoked and reissued in accordance with the provisions contained in Rules 62-620.325 and 62-620.345 F.A.C., if applicable, or to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the effluent standards, limitations, or water quality standards so issued or approved:
  - a. Contains different conditions or is otherwise more stringent than any condition in the permit/or;
  - b. Controls any pollutant not addressed in the permit.The permit as revised or reissued under this paragraph shall contain any other requirements then applicable.
2. The permit may be reopened to adjust effluent limitations or monitoring requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, DEP approved changes in water quality standards, EPA established Total Maximum Daily Loads (TMDLs), or other information show a need for a different limitation or monitoring requirement.
3. The Department or EPA may develop a TMDL during the life of the permit. Once a TMDL has been established and adopted by rule, the Department shall revise this permit to incorporate the final findings of the TMDL.
4. The permit shall be reopened for revision as appropriate to address new information that was not available at the time of this permit issuance or to comply with requirements of new regulations, standards, or judicial decisions relating to CWA 316(b).

**IX. GENERAL CONDITIONS**

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1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, Florida Statutes. Any permit noncompliance constitutes a violation of Chapter 403, Florida Statutes, and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. [62-620.610(1)]
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviations from the approved drawings, exhibits, specifications or conditions of this permit constitutes grounds for revocation and enforcement action by the Department. [62-620.610(2)]
3. As provided in Subsection 403.087(6), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. [62-620.610(3)]
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. [62-620.610(4)]
5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [62-620.610(5)]
6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. [62-620.610(6)]
7. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. [62-620.610(7)]
8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [62-620.610(8)]
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to:
  - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
  - b. Have access to and copy any records that shall be kept under the conditions of this permit;
  - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
  - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.

[62-620.610(9)]

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10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, F.S., or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. [62-620.610(10)]
11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. [62-620.610(11)]
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. [62-620.610(12)]
13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. [62-620.610(13)]
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. [62-620.610(14)]
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility or activity and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. [62-620.610(15)]
16. The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Permitting Wastewater Facilities or Activities Under Chapter 62-620, F.A.C., at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2), F.A.C., for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. [62-620.610(16)]
17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
  - a. A description of the anticipated noncompliance;
  - b. The period of the anticipated noncompliance, including dates and times; and
  - c. Steps being taken to prevent future occurrence of the noncompliance.[62-620.610(17)]
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246 and Chapters 62-160, 62-601, and 62-610, F.A.C., and 40 CFR 136, as appropriate.

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- a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10), or as specified elsewhere in the permit.
- b. If the permittee monitors any contaminant more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
- c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
- d. Except as specifically provided in Rule 62-160.300, F.A.C., any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health Environmental Laboratory Certification Program (DOH ELCP). Such certification shall be for the matrix, test method and analyte(s) being measured to comply with this permit. For domestic wastewater facilities, testing for parameters listed in Rule 62-160.300(4), F.A.C., shall be conducted under the direction of a certified operator.
- e. Field activities including on-site tests and sample collection shall follow the applicable standard operating procedures described in DEP-SOP-001/01 adopted by reference in Chapter 62-160, F.A.C.
- f. Alternate field procedures and laboratory methods may be used where they have been approved in accordance with Rules 62-160.220, and 62-160.330, F.A.C.

[62-620.610(18)]

19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. [62-620.610(19)]
20. The permittee shall report to the Department's Tallahassee any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
  - a. The following shall be included as information which must be reported within 24 hours under this condition:
    - (1) Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
    - (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
    - (3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
    - (4) Any unauthorized discharge to surface or ground waters.
  - b. Oral reports as required by this subsection shall be provided as follows:
    - (1) For unauthorized releases or spills of treated or untreated wastewater reported pursuant to subparagraph (a)4 above. that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
      - (a) Name, address, and telephone number of person reporting;
      - (b) Name, address, and telephone number of permittee or responsible person for the discharge;
      - (c) Date and time of the discharge and status of discharge (ongoing or ceased);
      - (d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);

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- (e) Estimated amount of the discharge;
  - (f) Location or address of the discharge;
  - (g) Source and cause of the discharge;
  - (h) Whether the discharge was contained on-site, and cleanup actions taken to date;
  - (i) Description of area affected by the discharge, including name of water body affected, if any; and
  - (j) Other persons or agencies contacted.
- (2) Oral reports, not otherwise required to be provided pursuant to subparagraph b.1 above, shall be provided to the Department's Tallahassee within 24 hours from the time the permittee becomes aware of the circumstances.

- c. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department's Tallahassee shall waive the written report.

[62-620.610(20)]

21. The permittee shall report all instances of noncompliance not reported under Permit Conditions IX. 17, 18 or 19 of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Permit Condition IX.20 of this permit. [62-620.610(21)]

22. Bypass Provisions.

- a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment works.
- b. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
  - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
  - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (3) The permittee submitted notices as required under Permit Condition IX. 22. b. of this permit.
- c. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Permit Condition IX. 20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
- d. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Permit Condition IX. 22. a. 1 through 3 of this permit.
- e. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Permit Condition IX. 22. a. through c. of this permit.

[62-620.610(22)]

23. Upset Provisions.

- a. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee.
  - (1) An upset does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, careless or improper operation.

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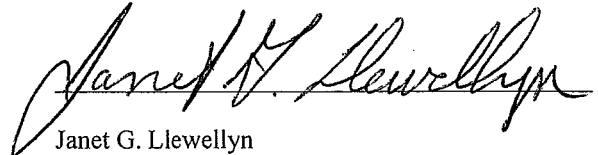
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- (2) An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of upset provisions of Rule 62-620.610, F.A.C., are met.
- b. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (2) The permitted facility was at the time being properly operated;
  - (3) The permittee submitted notice of the upset as required in Permit Condition IX.5. of this permit; and
  - (4) The permittee complied with any remedial measures required under Permit Condition IX.5. of this permit.
- c. In any enforcement proceeding, the burden of proof for establishing the occurrence of an upset rests with the permittee.
- d. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.

[62-620.610(23)]

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION



Janet G. Llewellyn  
Director  
Division of Water Resource Management  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Attachment(s):  
Discharge Monitoring Report

